



**May 2005**  
Minnesota Department of Labor and Industry

## CONTENTS

- 2 Seminar recap — Negotiating the brick wall: strategies for negotiating and resolving workers' compensation claims
- 3 Have you heard?
- 4 From the *State Register*: Provider participation list available
- 4 Save the date: workers' compensation training
- 5 Rules update: litigation rules and vocational rehabilitation rules
- 6 Research highlights: *Minnesota Workplace Safety Report*
- D-1 Court decisions: January through March 2005

## TABLES

- 6 Industry subsectors with the highest total case rates, Minnesota, 2003



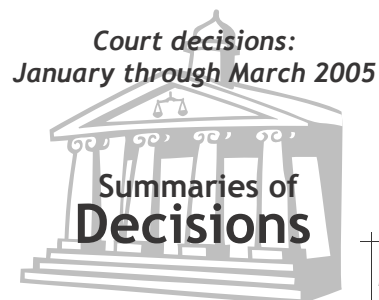
*Seminar recap:  
Negotiating  
the brick wall*

2



*Have  
you  
heard?*

4



D-1



# *Negotiating the brick wall*

Strategies for negotiating and resolving workers' compensation claims

April 29, 2005 • University of Minnesota, St. Paul campus



DLI Customer Assistance Supervisor Mark McCrea welcomes attendees to the seminar.



Gary Weissman, Weissman Law Offices, explains the key to successful negotiations.



Debra Garardi, Health Care Mediations, leads the group through exercises to highlight resistance and reluctance among health care professionals.



Seminar attendees take part in audience participation exercises during the afternoon session, "Understanding sources of resistance and reluctance among health care professionals," led by Debra Garardi of Health Care Mediations, San Francisco, Calif.





# Have you heard?

## **Submitted FROI information often incomplete**

Department of Labor and Industry staff members have been noticing more problems recently with incomplete and inaccurate employer information being sent on First Report of Injury (FROI) forms. The following are areas of concern.

- Box 36, employer legal name, and Box 37, employer DBA name – If an employer has a legal name that is different than the name the company uses in doing business (DBA name), both names must be indicated on the FROI form. The legal name should be inserted in box 36 and the DBA name in box 37. In some situations, the legal and DBA names have been transposed and reported in the wrong boxes.

Box 38, employer mailing address, and Box 42, employer physical address

– There have been quite a few forms where no physical address is given, even when the mailing address given is in another state. While it is possible the employer is physically located outside Minnesota, that certainly is not the most common situation. Be sure to complete the employer's physical address when it is different than the mailing address. Also, the mailing address on the FROI should be the mailing address for the company's location where the employee works, not the corporate mailing address. Lastly, the two types of addresses have often been transposed and reported in the wrong boxes.

It appears these problems predominantly come in on FROI forms that are being printed from telephone reporting services or from some electronic manner of pre-filling the form data. However, even without these types of services, all forms should be reviewed before being sent to make sure the information is as complete and accurate as possible.

For more information, call Jim Vogel at (651) 284-5265.

## **QRC, QRC firm and registered rehabilitation vendor information online; updated daily**

Visitors to [www.doli.state.mn.us/qrcdata.html](http://www.doli.state.mn.us/qrcdata.html) can download a list of Minnesota qualified rehabilitation consultants (QRCs), QRC firms and registered rehabilitation vendors – a complete data set or by region for each of the three categories. These data files are updated every 24 hours.

## **Workers' compensation insurance look-up available online**

Online information about whether a Minnesota employer has the required workers' compensation coverage is now available to the public on the Minnesota Department of Labor and Industry (DLI) Web site at <http://inslookup.doli.state.mn.us>.

Using the online search tool, interested parties can learn whether an employer had workers' compensation coverage on a specific date, who the insurance carrier was and how to contact the insurance carrier. If the search results are unsatisfactory, more information can be requested from DLI's Special Compensation Fund by completing an interactive or printed form. In addition, the user may report possible noncompliance for further DLI investigation.

## From the *State Register*

### Provider participation list available



Notice is hereby given that the Minnesota Health Care Programs provider participation list for April 2005 is now available. The provider participation list is a compilation of health care providers that are in compliance with the Department of Human Services (DHS) Rule 101. If a provider name is not on the list, the department considers the provider noncompliant.

The list of providers is separated by provider type, each section is in alphabetical order by provider name and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry and the Department of Commerce. To obtain the list, call Gloria Lehnertz, Rule 101 specialist, at (651) 282-5328 or toll-free at 1-800-366-5411. You may fax

your request to (651) 296-5690 or mail it to the Department of Human Services, 444 Lafayette Road N., St. Paul, MN 55155-3856.

Minnesota Statutes §256B.0644 and Minnesota Rules parts 5221.0500, subp. 1 and 9505.5200 to 9505.5240, also known as DHS "Rule 101," require health care providers that provide medical services to an injured worker under the workers' compensation law to participate in the Medical Assistance Program, the General Assistance Medical Care Program and the MinnesotaCare Program.

## Save the date: **workers' compensation training**

- **For insurers**

- **Basic adjusters training**

- June 16 and 17; Nov. 2 and 3

These two-day classes, at the Department of Labor and Industry, St. Paul, are designed for claims adjusters who have less than one year experience handling Minnesota workers' compensation claims. Topics include: how to file forms, liability determination, penalties, dispute resolution and more.

- **For employers**

- **Minnesota Workers' Compensation Seminar**

- Aug. 4, St. Paul College



Attend this seminar to gain a better understanding of how workers' compensation works. The information will help you understand how to avoid claims by knowing what to do before an injury occurs, how to properly handle a situation when one does occur and what is actually covered by workers' compensation in Minnesota.

- **For rehabilitation providers**

- **Update – Sept. 22 or Oct. 20**

These two one-day seminars will provide information about: revised rehabilitation rules; revised forms; placement issues; statistics; dispute resolution and more.

**For more information about or to register for workers' compensation training, call (651) 284-5005 or visit [www.doli.state.mn.us/wctrain.html](http://www.doli.state.mn.us/wctrain.html).**



## ***RULE UPDATE:*** **litigation rules and vocational rehabilitation rules**



1. The Notices of Adoption for the amendments to the following rules will be published in the *State Register* on May 23, 2005, with an effective date of May 31, 2005:

- the Department of Labor and Industry and the Office of Administrative Hearings (OAH) joint litigation rules in chapter 1415 of Minnesota Rules; and
- the Office of Administrative Hearings litigation rules in the new chapter 1420 of Minnesota Rules.

The adopted joint litigation rules as amended and the adopted OAH litigation rules can be viewed at [www.oah.state.mn.us/wc.html](http://www.oah.state.mn.us/wc.html).

2. The Notice of Adoption for the amendments to the Department of Labor and Industry Vocational Rehabilitation Rules in chapter 5220 of Minnesota Rules is expected to be published in the *State Register* on May 31, 2005, with an effective date of June 7, 2005.

The adopted rehabilitation rules as amended can be viewed at [www.doli.state.mn.us/pdf/ar3251.pdf](http://www.doli.state.mn.us/pdf/ar3251.pdf).



## RESEARCH HIGHLIGHTS:

# Minnesota Workplace Safety Report

By Brian Zaidman, Senior Research Analyst  
Research and Statistics

Minnesota's workplaces became safer for workers during 2003. The latest occupational injury and illness figures show there were an estimated 111,600 recordable injury and illness cases in 2003; about 29,900 cases involved one or more days away from work. The comparable figures for 2002 were 120,500 total cases and 33,500 days-away-from-work cases. There were 72 work-related fatalities in 2003, down from 81 fatalities in 2002.

The latest occupational injury and illness figures show that about 310 Minnesotans are hurt at work or become ill from job-related causes each day. These injuries, illnesses and deaths exact a toll on workers and their families and also affect business costs and productivity. Workers' compensation costs in Minnesota approached \$1.5 billion in 2003. In 2002 (the most current data available), the average cost of an insured claim was more than \$6,500. There are a myriad of other costs of workplace injuries and illnesses that are more difficult to measure, such as delayed production, hiring and training of new workers, pain and suffering, and those economic and non-economic losses to injured workers and their families that are not covered by workers' compensation.

Later this spring, the Department of Labor and Industry (DLI) will release its annual *Minnesota Workplace Safety Report*, detailing injury and illness rates and workplace fatalities for 2003. The report is based on the U.S. Bureau of Labor Statistics' *Survey of Occupational Injuries and Illnesses* and *Census of Fatal Occupational Injuries* (CFOI). The report will be available on the DLI Web site at [www.doli.state.mn.us/rsreport.html](http://www.doli.state.mn.us/rsreport.html).

Following are the major highlights from that report.

### Nonfatal occupational injuries and illnesses

- An estimated 111,600 nonfatal workplace injuries and illnesses were reported in Minnesota's private industry and public sector workplaces during 2003, resulting in a rate of 5.5 cases per 100 full-time-equivalent (FTE) workers. The 2002 injury and illness rate was 6.0 cases per 100 FTE workers.
- An estimated 57,000 cases in 2003 resulted in days away from work, job transfer or restrictions. The rate for these injuries was 2.8 cases per 100 FTE workers, a 10 percent decrease from the 2002 rate.
- The rate of cases with days away from work was 1.5 per 100 FTE workers, compared to 1.7 cases in 2002.

**Safety report**, continues ...



**Safety report,** continued ...

- Minnesota's private sector total and lost-workday case rates were below the total U.S. rates until the early 1990s, but have been significantly above the U.S. rates since 1996. For the private sector in 2002, the total case rate was 5.5 for the state versus 5.0 for the nation.
- Minnesota's rate of cases with days away from work was roughly equal to the national rate starting in 1996, and it dropped below the national rate in 2003: 1.4 for the state vs. 1.5 for the nation.

**Industry subsectors with the highest total case rates, Minnesota, 2003**

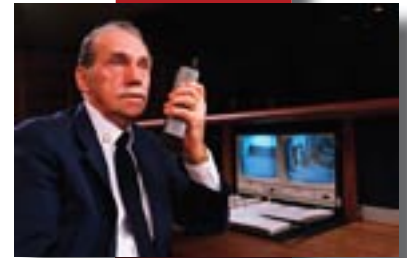
Industry	Rate per 100 FTE workers
Nursing and residential care -- local government	17.7
Transportation equipment manufacturing	17.3
Couriers and messengers	13.6
Primary metal manufacturing	12.8
Wood product manufacturing	12.7
Animal production	12.5
Nursing and residential care facilities -- private	10.5
Warehousing and storage	9.8
Hospitals -- local government	9.6
Construction of buildings	9.6

- Minnesota's industry sectors with the highest total injury and illness rates per 100 FTE workers were: construction (9.3); agriculture, forestry, fishing and hunting (8.8); and manufacturing (7.5).
- Four of the 10 industry subsectors with the highest total case rates were in manufacturing and three were in health care and social assistance. (See figure below.) These industries accounted for 16 percent of the recordable cases.

Additional statistics about the characteristics of the injured workers, the characteristics of their injuries and the amount of time away from work are available for cases with days away from work.

- Sprains and strains accounted for 45 percent of the cases with days away from work. The second-highest category was soreness and pain, accounting for 10 percent of the cases.
- The back and upper extremities were the most commonly injured body parts, accounting for nearly half the cases.

**Safety report,** continues ...



**Safety report**, continued ...

- Overexertion, often while lifting people or objects, falls and contact with objects and equipment were the most common injury events.
- The injured worker's own motion or bodily position was the most frequent source of injury, followed by floors and ground surfaces, and containers.

**Fatal occupational injuries**

The CFOI covers all fatal work injuries in the private and public sectors, regardless of program coverage; thus, it includes federal workers and self-employed workers, along with all others. However, fatal *illnesses* (such as asbestosis) are excluded.

- In 2003, 72 Minnesotans were fatally injured on the job.
- Among industry sectors, agriculture, forestry, fishing and hunting recorded the highest number of worker fatalities, with 19. Construction and transportation and warehousing had the second-highest number of fatalities, with 10 cases each.
- The most frequent causes of Minnesota's fatal work injuries for 2003 were: highway transportation accidents (25 percent); struck by a falling object (15 percent); and falls to a lower level (13 percent).

